

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
FIFTY-NINTH LEGISLATURE

THIRTIETH LEGISLATIVE DAY
TUESDAY, FEBRUARY 6, 2007

Senate Chamber

President Risch called the Senate to order at 11 a.m.

Roll call showed all members present except Senators Burkett, Cameron, Lodge, McGee, and Werk, absent and excused.

Prayer was offered by Chaplain Goebel.

The Pledge of Allegiance was led by Tyler Barlogi, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

Senators Burkett, Lodge, and McGee were recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 5, 2007, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

February 6, 2007

The JUDICIARY AND RULES Committee reports that **S 1084**, **S 1085**, **SCR 104**, and **SCR 105** have been correctly printed.

DARRINGTON, Chairman

S 1084 was referred to the Judiciary and Rules Committee.

S 1085 was referred to the State Affairs Committee.

SCR 104 and **SCR 105** were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 5, 2007

The JUDICIARY AND RULES Committee reports out **S 1061**, **S 1060**, **S 1058**, and **S 1057** with the recommendation that they do pass.

DARRINGTON, Chairman

S 1061, **S 1060**, **S 1058**, and **S 1057** were filed for second reading.

Senators Cameron and Werk were recorded present at this order of business.

February 5, 2007

The FINANCE Committee reports out **S 1071** with the recommendation that it do pass.

CAMERON, Chairman

S 1071 was filed for second reading.

February 5, 2007

The HEALTH AND WELFARE Committee reports out **S 1069** and **S 1068** with the recommendation that they do pass.

LODGE, Chairman

S 1069 and **S 1068** were filed for second reading.

February 5, 2007

The JUDICIARY AND RULES Committee reports it has had under consideration the Board of Commissioners of the Idaho State Bar appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Anne Solomon to the Idaho Judicial Council, term to expire June 30, 2011.

DARRINGTON, Chairman

The Idaho State Bar appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 6, 2007

The HEALTH and WELFARE Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Suzanne Budge Schaefer to the Hazardous Waste Facility Siting License Application Review Panel, term to expire March 6, 2009;

Jay F. Kunz to the Hazardous Waste Facility Siting License Application Review Panel, term to expire March 6, 2009;

Dean C. Nielson to the Commission for the Blind and Visually Impaired, term to expire July 1, 2008;

David Hand to the Commission for the Blind and Visually Impaired, term to expire July 1, 2009;

Mark P. VonLindern to the Hazardous Waste Facility Siting License Application Review Panel, term to expire March 6, 2009;

Britt Raubenheimer to the Commission for the Blind and Visually Impaired, term to expire July 1, 2009.

LODGE, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

February 5, 2007

Mr. President:

I transmit herewith **HCR 8, H 71, H 77, and H 68** which have passed the House.

JUKER, Chief Clerk

HCR 8, H 71, H 77, and H 68 were filed for first reading.

February 5, 2007

Mr. President:

I return herewith **S 1034, S 1035, S 1006, S 1008, and S 1009** which have passed the House.

JUKER, Chief Clerk

S 1034, S 1035, S 1006, S 1008, and S 1009 were referred to the Judiciary and Rules Committee for enrolling.

February 5, 2007

Mr. President:

I transmit herewith Enrolled **H 29** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **H 29** and ordered it returned to the House.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced the State Affairs Committee report relative to the Gubernatorial appointment of Wendy Lively was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Davis, seconded by Senator Stennett, the Gubernatorial appointment of Wendy Lively as a member of the Bingo-Raffle Advisory Board was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced the State Affairs Committee report relative to the Gubernatorial appointment of David Keyes was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Keough, seconded by Senator Stennett, the Gubernatorial appointment of David Keyes as a member of the Idaho State Lottery Commission was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1086

BY RESOURCES AND ENVIRONMENT COMMITTEE AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-408, IDAHO CODE, TO PROVIDE FOR SPECIAL WOLF TAGS; AMENDING SECTION 36-409, IDAHO CODE, TO PROVIDE FOR ELIGIBILITY TO RECEIVE A GAME TAG TO HUNT AND KILL A WOLF AND TO PROVIDE THAT CERTAIN REQUIREMENTS FOR WOLF TAGS SHALL BE DETERMINED AND SPECIFIED BY THE FISH AND GAME COMMISSION; AND AMENDING SECTION 36-416, IDAHO CODE, TO PROVIDE FOR A GRAY WOLF TAG FEE.

S 1087

BY RESOURCES AND ENVIRONMENT COMMITTEE AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-102, IDAHO CODE, TO REVISE TERM OF OFFICE PROVISIONS RELATING TO THE FISH AND GAME COMMISSION.

S 1088
BY EDUCATION COMMITTEE
 AN ACT

RELATING TO PUBLIC CHARTER SCHOOLS; AMENDING SECTION 33-5202A, IDAHO CODE, TO DEFINE "PROFESSIONAL-TECHNICAL REGIONAL PUBLIC CHARTER SCHOOL"; AND AMENDING CHAPTER 52, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-5215, IDAHO CODE, TO PROVIDE FOR PROFESSIONAL-TECHNICAL REGIONAL PUBLIC CHARTER SCHOOLS AND TO PROVIDE FOR APPLICATION OF PUBLIC CHARTER SCHOOL LAW TO PROFESSIONAL-TECHNICAL REGIONAL PUBLIC CHARTER SCHOOLS WITH EXCEPTIONS FOR CERTAIN CONDITIONS AND APPLICATIONS AS SPECIFIED.

S 1089
BY EDUCATION COMMITTEE
 AN ACT

RELATING TO COMMUNITY COLLEGES; AMENDING SECTION 33-2106, IDAHO CODE, TO PROVIDE FOR TRUSTEE TERMS OF FOUR YEARS, TO PROVIDE LIMITATIONS ON DATES FOR ELECTIONS OF TRUSTEES, TO PROVIDE FOR CONDUCTING ELECTIONS AS PRESCRIBED IN CHAPTER 14, TITLE 34, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-2111, IDAHO CODE, TO DECREASE THE MAXIMUM ALLOWABLE LEVY UPON THE TAXABLE PROPERTY WITHIN A COMMUNITY COLLEGE DISTRICT FROM SIXTEEN HUNDREDTHS PERCENT OF MARKET VALUE FOR ASSESSMENT PURPOSES TO ONE HUNDRED TWENTY-FIVE THOUSANDTHS PERCENT OF MARKET VALUE FOR ASSESSMENT PURPOSES; AMENDING CHAPTER 21, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-2145, IDAHO CODE, TO PROVIDE AN ELECTION PROCEDURE FOR DISSOLUTION OF A COMMUNITY COLLEGE DISTRICT; AMENDING SECTION 34-106, IDAHO CODE, TO PROVIDE THAT THE EXEMPTION FROM LIMITATION UPON ELECTIONS FOR SCHOOL DISTRICTS DOES NOT APPLY TO COMMUNITY COLLEGES GOVERNED BY CHAPTER 21, TITLE 33, IDAHO CODE, AND TO MAKE A TECHNICAL CORRECTION; PROVIDING SEVERABILITY; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION FOR SECTION 2 OF THIS ACT; AND DECLARING AN EMERGENCY FOR SECTIONS 1 AND 4 OF THIS ACT.

S 1090
BY HEALTH AND WELFARE COMMITTEE
 AN ACT

RELATING TO THE BOARD OF DENTISTRY; AMENDING SECTION 54-924, IDAHO CODE, TO REVISE GROUNDS FOR DISCIPLINARY ACTION WITH RESPECT TO A DENTAL LICENSE OR THE REFUSAL TO ISSUE OR RENEW SUCH LICENSE.

S 1091
BY HEALTH AND WELFARE COMMITTEE
 AN ACT

RELATING TO THE BOARD OF DENTISTRY; AMENDING SECTION 54-903, IDAHO CODE, TO DEFINE "CONVICTION"; AND AMENDING SECTION 54-923, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO THE REVOCATION OF CERTIFICATES OR OTHER EVIDENCE OF QUALIFICATION BASED UPON CONVICTION OF A CRIME.

S 1092
BY HEALTH AND WELFARE COMMITTEE
 AN ACT

RELATING TO THE BOARD OF DENTISTRY; AMENDING SECTION 54-935, IDAHO CODE, TO AUTHORIZE THE BOARD OF DENTISTRY TO ISSUE A VOLUNTEER'S LICENSE TO A QUALIFIED DENTAL HYGIENIST UNDER CERTAIN CONDITIONS.

S 1093
BY HEALTH AND WELFARE COMMITTEE
 AN ACT

RELATING TO THE BOARD OF HEALTH AND WELFARE; AMENDING SECTION 56-1005, IDAHO CODE, TO PROVIDE APPOINTMENT OF VOTING MEMBERS TO ASSURE APPROPRIATE GEOGRAPHIC REPRESENTATION OF THE STATE OF IDAHO, TO PROVIDE FOR NONVOTING MEMBERS, TO PROVIDE FOR SELECTION OF A CHAIRMAN AND VICE CHAIRMAN BY VOTING MEMBERS, TO DESIGNATE A QUORUM AND TO PERMIT VOTING MEMBERS TO ADOPT, AMEND OR REPEAL RULES, CODES AND STANDARDS BY AN AFFIRMATIVE VOTE OF FOUR OF ITS VOTING MEMBERS; AND DECLARING AN EMERGENCY.

S 1086, S 1087, S 1088, S 1089, S 1090, S 1091, S 1092, and S 1093 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

HCR 8, by State Affairs Committee, was introduced, read at length, and referred to the State Affairs Committee.

H 71, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 77, by Appropriations Committee, was introduced, read the first time at length, and referred to the Finance Committee.

H 68, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 16, by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

S 1010, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Siddoway arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President declared **S 1010** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, **S 1022**, having been held, retained its place on the Third Reading Calendar for one legislative day.

S 1049 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Malepeai arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President declared **S 1049** passed, title was approved, and the bill ordered transmitted to the House.

S 1050 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Heinrich arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President declared **S 1050** passed, title was approved, and the bill ordered transmitted to the House.

S 1051 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President declared **S 1051** passed, title was approved, and the bill ordered transmitted to the House.

H 8 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Langhorst arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President declared **H 8** passed, title was approved, and the bill ordered returned to the House.

H 9 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President declared **H 9** passed, title was approved, and the bill ordered returned to the House.

H 12 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Langhorst arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President declared **H 12** passed, title was approved, and the bill ordered returned to the House.

H 13 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Siddoway arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President declared **H 13** passed, title was approved, and the bill ordered returned to the House.

H 15 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stegner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President declared **H 15** passed, title was approved, and the bill ordered returned to the House.

H 17 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President declared **H 17** passed, title was approved, and the bill ordered returned to the House.

H 22 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Heinrich arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee,

McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President declared **H 22** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:05 p.m. until the hour of 11:15 a.m., Wednesday, February 7, 2007.

JAMES E. RISCH, President

Attest: RUSTI HORTON, Assistant Secretary